

Atty. Docket No.: 74120-301403
Serial No.: 09/870.228

REMARKS

The Applicant respectfully requests reconsideration of this application as amended. Claims 1-15 have been cancelled without prejudice. In accordance with 37 C.F.R. § 1.116(b)(1), claims 13 and 15 are cancelled without prejudice, by this Response. Although Applicant disagrees with the rejection of claims 13 and 15, Applicant has cancelled claims 13 and 15 in order to expedite examination; Applicant reserves the right to pursue in continuing applications claims of the same or similar scope as the canceled claims. No other amendments are made in the current Response. Therefore, claims 16-27 are present for examination.

EXAMINER INTERVIEW OF SEPTEMBER 6, 2005

Applicant thanks the Examiner for the brief telephone conversation of September 6, 2005. The undersigned had called the Examiner to request clarification of paragraph 11 of the Advisory Action of August 31, 2005. The undersigned pointed out that although paragraph 11 of the Advisory Action of August 31, 2005, states that "the claims . . . are met by the prior art," paragraph 11 did not include a statement as to the non-prior art rejections. The undersigned inquired about the additional claims that were not rejected based on prior art, namely, claims 16-27, which were instead previously rejected based on 35 U.S.C. § 101. The Examiner indicated that claims 16-27 are allowable.

CLAIM REJECTIONS - 35 U.S.C. § 101

In the Final Office Action, the Examiner rejected claims 13 and 15-27 under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Claims 13 and 15 have been cancelled without prejudice. Although Applicant disagrees with the rejection of claims 13 and 15, Applicant has cancelled claims 13 and 15 in order to expedite examination. The Examiner has indicated that claims 16-27 are allowable. Therefore, Applicant respectfully requests the Examiner to withdraw the claim rejections under 35 U.S.C. § 101. Claims 16-27 are believed to be in condition for allowance, such being respectfully requested herein.

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CLAIM REJECTIONS - 35 U.S.C. § 102

In the Final Office Action, the Examiner rejected claim 14 under 35 U.S.C. § 102(e) as being anticipated by Gross et al. (U.S. 6,553,515) (hereinafter "Gross"). Claim 14 has been cancelled without prejudice. Although Applicant disagrees with the rejection of claim 14, Applicant has cancelled claim 14 in order to expedite examination.

CLAIM REJECTIONS - 35 U.S.C. § 103

In the Final Office Action, the Examiner rejected claims 13 and 15 under 35 U.S.C. §103(a) as being unpatentable over Murphy et al. (U.S. 6,282,192) (hereinafter "Murphy") in view of Gross et al. (U.S. 6,553,515) (hereinafter "Gross"). Claims 13 and 15 have been cancelled without prejudice. Although Applicant disagrees with the rejection of claims 13 and 15, Applicant has cancelled claims 13 and 15 in order to expedite examination.

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CONCLUSION

The Applicant respectfully submits that the rejections have been overcome by the amendment and remark, as indicated by the Examiner, and that the remaining pending claims are now in condition for allowance. Accordingly, the Applicant respectfully requests that the rejections be withdrawn and that a Notice of Allowance be issued for claims 16-27.

INVITATION FOR A TELEPHONE INTERVIEW

The Examiner is requested to call the undersigned at (303) 607-3709 if there remains any issue with allowance of the case.

CHARGE OUR DEPOSIT ACCOUNT

No fee is believed to be necessary for entry of this paper. In the event that any such fee is necessary for the entry of this paper, please charge to our Deposit Account No. 06-0029 any fees under 37 C.F.R. 1.16 and 1.17 which may be requested to enter this paper.

Respectfully submitted,

FAEGRE & BENSON LLP
CUSTOMER NO.: 35657

Date: September 6, 2005

By:



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